



500.35516CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Y. AKIBA et al
Serial No.: 09/956,909
Filed: September 21, 2001
For: LOW-EMI ELECTRONIC APPARATUS, LOW-EMI
CIRCUIT BOARD, AND METHOD OF
MANUFACTURING THE LOW-EMI CIRCUIT
BOARD

#7/Election/B
D. EVANS
5.4.02

Group: 2827
Examiner: T. DINH

PRELIMINARY AMENDMENT AND RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner for Patents April 15, 2002
Washington, D.C. 20231

Sir:

In the matter of the above-identified application,
the following corrective amendment and the responsive
remarks to the outstanding election requirement, dated
February 13, 2002, are respectfully submitted.

IN THE CLAIMS:

Please **amend** claim 1, as follows:

1. (Amended) A structure comprising a first conductor
layer, a second conductor layer, a third conductor layer,
a first dielectric material layer, a second dielectric
material layer and a resistor layer, wherein:

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(cont)

said resistor layer, said first dielectric material layer, said second dielectric material layer and said third conductor layer are disposed between said first conductor layer and said second conductor layer;

said resistor layer is sandwiched by said first conductor layer and said second conductor layer;

said first dielectric material layer is sandwiched by said first conductor layer and said third conductor layer;

said second dielectric material layer is sandwiched by said third conductor layer and said second conductor layer; and

said resistor layer is connected electrically to said first conductor layer and said second conductor layer.

REMARKS

This is a reply to the presently outstanding Election Requirement, dated February 13, 2002, in which concurrently filed herewith is a petition for extension of time covering the one month extended time period for filing this response including the required fee amount thereof. (An authorized credit card payment form covering the fee for the extended time period is enclosed herewith.) It should be noted, however, that subsequently to receiving the above-noted Office Action, applicants, through their undersigned representative, submitted a paper entitled, "Request for Complete Office Action and For the Re-Setting of the Period For Response Thereto." However, a reply to that request has not yet been received. However, in order to avoid any further delay with regard to the prosecution of the above-identified application, this response is being submitted. Accordingly, insofar as the previously submitted Request for Complete Office Action and for the Re-Setting of the Period for Response, in the paper filed on February 27, 2002, is concerned, applicants do request therefor that the period for response to the earlier Election Requirement be re-set and, moreover, request that the presently submitted extension of time fee be credited back to the Deposit Account of the below-named Law Firm, as given at the end of these remarks. Discussion will now

turn to the Amendment followed by the Response to the Election Requirement.

Claim 1 is being amended to remove an obvious informality. Namely, as can be seen with regard to related embodiments such as Figs. 2 and 7, although not limited thereto, the second dielectric material layer (e.g., 15 in Fig. 2, and 40 in Fig. 7) is sandwiched by the third conductor layer (e.g., power layer V or layer 2 in Fig. 2 or layer 36 in Fig. 7) and the second conductor layer (e.g., ground layer G2, which is 5 in Fig. 2 and 39 in Fig. 7). The penultimate subparagraph in claim 1, as now amended, more correctly reflects this featured aspect of the structure claimed.

A marked-up version showing changes made is enclosed.

Turning to the Examiner's above-dated Office Action, the requirement made by the Examiner, namely to elect a single disclosed species from that listed on page two of the Office Action is noted. Accordingly, applicants provisionally elect the species of Embodiment II and request examination therefor of at least claims 1 and 2, which are readable thereon. Incidentally, it is noted that in addition to Fig. 2, claim 1 also particularly reads on the illustration in Fig. 7. Further, the embodiments covered by at least Figs. 1-8 also are related thereto.

It is also noted, according to the Office Action, the originally submitted claims have genus relationships with regard to the various disclosed embodiments. Therefore, although all of the claims cover various ones of the listed species (embodiments), in the Office Action, and are patentable over each other, the Examiner is urged, nonetheless, to examine not only claims 1 and 2 but, also, all of the remaining claims, noting that a substantial amount of subject matter overlapping exists between them.

According to U.S. practice and as set forth in MPEP, §803:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

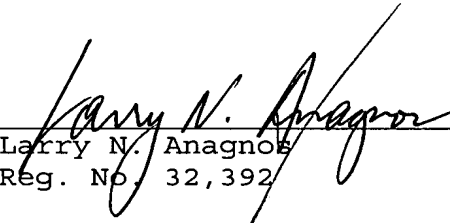
Noting, therefore, that all of the claims detail a structure including conductor layers, dielectric material layers and resistor layers, it is expected that a substantial amount of overlapping in the state-of-the-art searching would result between that of the claims directed to different ones of the named species (embodiments) as presently grouped by the Examiner. It is submitted, no serious burden would be placed on the Examiner in maintaining all of the claims as a single grouping for purposes of examination.

Therefore, in view of the above responsive remarks, entry of the corrective amendment to claim 1 as well as

reconsideration and withdrawal of the standing Election Requirement and examination therefor of not only claims 1 and 2, but, also, of all other originally filed claims including the subsequently added claim 16 (submitted in the Preliminary Amendment of December 13, 2001) are respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (500.35516CX1), and please credit any excess fees to such deposit account.

Respectfully submitted,
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